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Missing persons

Report of the Secretary-General**

Summary

The present report, which is submitted pursuant to resolution 71/201, addresses the international legal and institutional framework applicable to the issue of missing persons, the various measures being taken to prevent people from going missing and to clarify the fate and whereabouts of missing persons, criminal investigation and prosecution in cases of missing persons, forensic recovery and identification of remains of missing persons, and the legal status of missing persons and support for families.

* A/73/150.

** The present report was submitted after the deadline in order to reflect the most recent developments.

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I. Introduction

1. In its resolution 71/201, the General Assembly requested the Secretary-General to submit to the Human Rights Council at its relevant session and to the General Assembly at its seventy-third session a comprehensive report on the implementation of the resolution, including relevant recommendations. The present report was prepared in accordance with that resolution and covers the period between 1 July 2016 and 30 June 2018. It follows the same structure as the previous reports of the Secretary-General on missing persons (A/69/293 and A/71/299), with an expanded focus on accountability. Contributions were sought from Member States, international and regional organizations, national human rights institutions and non-governmental organizations (NGOs).[1] The report also draws on public sources.

2. In resolution 71/201, the General Assembly focused primarily on the issue of missing persons in connection with international or non-international armed conflict. However, persons go missing in many other circumstances, such as situations of violence, insecurity, organized crime and disaster, and as a result of enforced disappearance and migration. Furthermore, it is underlined in the contributions received for the present report, and the many public sources reviewed, that the nature of the initiatives taken to address the issue of missing persons is not necessarily determined by the cause of their disappearance or the context in which they go missing, but by the need to address the fact that their whereabouts are unknown. As in previous reports, the present report reflects information received regarding measures to address the issue of missing persons in contexts other than armed conflict to the extent that such information is relevant for missing persons in connection with armed conflict.

II. International legal and institutional framework

3. In his previous reports on missing persons, the Secretary-General set out the international legal framework applicable to the issue of missing persons, drawing on international human rights law and international humanitarian law (A/67/267, paras. 4–7, A/69/293, paras. 4–6, and A/71/299, para. 3). It includes the International Convention for the Protection of All Persons from Enforced Disappearance. As at 25 June 2018, there were 58 States parties to the Convention. Since the previous report, six States (Benin, Central African Republic, Czechia, Malawi, Seychelles and Switzerland) have acceded to or ratified the Convention. In the contributions received to the present report, updates were provided on the efforts of Denmark, El Salvador, India, Sri Lanka and Switzerland to become parties to the Convention and/or further its implementation.

4. The first Conference of the States Parties to the Convention was held on 19 December 2016 in Geneva. The United Nations High Commissioner for Human Rights, in his opening address, noted that the provisions in the Convention on

[1] Contributions were received from: Azerbaijan, Bolivia (Plurinational State of), Bosnia and Herzegovina, El Salvador, Ireland, Lebanon, Mauritius, Qatar, Serbia, Switzerland and Venezuela (Bolivarian Republic of); and National Association for the Promotion and Protection of Human Rights (Cameroon), British Tamils Forum/United States Tamil Political Action Council, Commission on Human Rights of the Philippines, Commission on the Search for Disappeared Persons (Colombia), Office of the National Commissioner for Human Rights (Honduras), Danish Institute for Human Rights, Office of the Ombudsperson (Colombia), Office of the Ombudsperson (Ecuador), National Human Rights Institute (Chile), International Committee of the Red Cross, National Human Rights Commission of India, Counsel for Human Rights (Guatemala) and World Society of Victimology/Commissioner for Victims' Rights of South Australia.

investigations, non-refoulement and extradition, secret detention, urgent action and inquiries meant that it continued to be an innovative and versatile tool to prohibit, prevent and combat disappearance.[2] On 17 February 2017, the General Assembly held a high-level plenary meeting to mark the tenth anniversary of the adoption of the Convention, at which the participants discussed the impact of the Convention and best practices to prevent enforced disappearances and combat impunity. In a joint statement by the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances on the International Day of the Victims of Enforced Disappearances in 2017, it was remarked "there is no valid excuse" for the Convention not to be universally ratified.[3]

5. In his report to the Security Council on the protection of civilians in armed conflict in 2017, the Secretary-General expressed concern about missing persons and their families and referred to the dramatic increase in persons reported missing in conflicts since 2014. He called on parties to conflict to uphold families' right to know the fate of their missing relatives and encouraged parties to collaborate with the International Committee of the Red Cross (ICRC) and its Central Tracing Agency (S/2017/414, para. 15). In his report in 2018 on the same topic, he referred to the alarming numbers of missing persons in armed conflicts and reiterated that parties to conflict and Member States must ensure the implementation of the law as it applies to missing persons (S/2018/462, para. 31).[4]

6. On 22 December 2017, during an Arria-formula meeting on the humanitarian aspects of missing and captive persons in Gaza, the Security Council discussed the holding by Hamas of the remains of two Israeli soldiers and uncertainty over the whereabouts of three missing Israeli nationals believed to be in Gaza.[5]

7. The draft Global Compact for Safe, Orderly and Regular Migration will be the first intergovernmentally negotiated agreement under the auspices of the United Nations covering all dimensions of international migration in a holistic and comprehensive manner.[6] It is to be negotiated and adopted at an intergovernmental conference on international migration in December 2018 (see General Assembly resolution 72/244). Objective 8 of the draft Compact focuses on international cooperation in the identification of human remains and the support provided to families searching for relatives who go missing during the migration process.

8. In its report on enforced disappearances in the context of migration, the Working Group on Enforced or Involuntary Disappearances remarked that the increasingly precarious movements of migrants expose them to heightened risks of becoming victims of human rights violations, including enforced disappearances (A/HRC/36/39/Add.2, para. 80). The Working Group recommended that States should gather, compile and systematize all information concerning individuals who go

[2] Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, statement to the first Conference of States Parties to the International Convention for the Protection of All Persons from Enforced Disappearance, Geneva, 19 December 2016. Available at https://www.ohchr.org/Documents/HRBodies/CED/Convention1Session/HighCommissioner_CSP_ICPPED.pdf.

[3] Office of the United Nations High Commissioner for Human Rights (OHCHR), "'There is no valid excuse not to ratify the Convention for the Protection of All Persons from Enforced Disappearance' — UN experts". Available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22005&LangID=E.

[4] See also the statement by Yves Daccord, Director-General of the International Committee of the Red Cross (ICRC), to the Security Council at the ministerial-level open debate on protection of civilians in armed conflict, 22 May 2018 (S/PV.8264).

[5] See http://webtv.un.org/watch/security-council-humanitarian-aspects-of-missing-and-captive-persons-in-gaza-arria-formula-meeting/5686384999001.

[6] See https://www.ohchr.org/EN/Issues/Migration/Pages/GlobalCompactforMigration.aspx.

missing in, or transiting through, their countries. This information should be systematically shared with bordering countries and relevant international and/or regional organizations. States should intensify cooperation in the areas of identification, search, data collection, prevention, investigation and prosecution (ibid., para. 86).

9. In a policy paper on missing migrants and their families, ICRC outlines 13 recommendations for policymakers to prevent people from going missing and address the multifaceted issues that arise when they do.[7] It highlights that many migration routes cross States experiencing armed conflict and violence or run through hostile environments, such as seas, deserts and other remote areas, where migrants are isolated and may face life-threatening situations.

10. In December 2017, ICRC published a fact sheet entitled "Internally displaced persons and international humanitarian law", which includes provisions aimed at ensuring respect for family life and family unity, for example, parties to a conflict must take all feasible measures to account for those reported missing and must provide any information they have concerning them.[8]

11. Initiatives were undertaken during the reporting period to further elaborate the pertinent regional legal frameworks. On 30 June and 1 July 2016, the Commissioner for Human Rights of the Council of Europe held a round table on missing persons and victims of enforced disappearance in Europe. Human rights defenders, the Special Rapporteur on the situation of human rights defenders, a member of the Working Group on Enforced or Involuntary Disappearances and Council of Europe representatives discussed the recommendations contained in a thematic issue paper prepared in 2016 on the situation regarding missing persons and victims of enforced disappearances in Europe and identified ways to enhance the fulfilment of State obligations in relation to such persons.[9]

12. The European Commission, in a communication concerning the enlargement of the European Union to include the Western Balkans,[10] committed to explore how to further the work of ICRC and the International Commission on Missing Persons in fostering regional cooperation to resolve the issue of missing persons. It announced an action plan containing six flagship initiatives, including one on reconciliation and neighbourly relations with a focus on missing persons.

13. In July 2017, the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE) adopted a resolution on ensuring a coherent, shared and responsible governance of migration and refugee flows. It called on States to devote attention to the issue of missing and deceased migrants by, inter alia, ensuring adequate support and financial resources for forensic services; collaborating with ICRC towards the establishment of a transregional mechanism to centralize data concerning missing migrants; and improving coordination and communication between relevant authorities, experts and families in order to help locate missing

[7] ICRC, "Missing migrants and their families: the ICRC's recommendations to policymakers", policy paper (Geneva, 2017). Available at https://shop.icrc.org/missing-migrants-and-their-families-the-icrc-s-recommendations-to-policy-makers.html?___store=default.

[8] ICRC, "Internally displaced persons and international humanitarian law", factsheet, 14 December 2017. Available at https://www.icrc.org/en/document/internally-displaced-persons-and-international-humanitarian-law-factsheet.

[9] Council of Europe, Commissioner for Human Rights, "Missing persons and victims of enforced disappearance in Europe", 22 February 2017. Available at http://www.refworld.org/docid/58c684db4.html.

[10] European Commission, "A credible enlargement perspective for and enhanced European Union engagement with the Western Balkans", 2 June 2018. Available at https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf.

migrants and, in the case of deceased migrants, to help with the identification and dignified management of their remains.[11] In October 2017, the Ad Hoc Committee on Migration of the OSCE Parliamentary Assembly published a report entitled "Ensuring a coherent, shared and responsible governance of migration and refugee flows",[12] in which it acknowledged that a transregional approach between countries of origin, transit and destination, as well as further political support and resources, is required. The Committee recommended OSCE and participating States to collaborate with ICRC towards the establishment of a transregional mechanism.

III. Measures to prevent persons from going missing

14. In resolution 71/201, the General Assembly called upon States that are parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with the conflict. Developing and implementing preventive measures pre-emptively, including during peacetime, to ensure that they are in place before they may be required is key to their effectiveness.

A. Enacting national legislation

15. The development of national legal frameworks in accordance with international human rights law and international humanitarian law can help prevent disappearances, ascertain the fate of missing persons, ensure the comprehensive collection, protection and proper management of information and provide victims' families with means of support, including by enabling them to realize their rights. Domestic legislation should provide appropriate regulatory frameworks for data collection and protection, including personal data, which should be collected and processed in compliance with international human rights law, including the right to privacy.

16. In its contribution to the present report, ICRC referred to draft legislation concerning missing persons.[13] For example, in Brazil, draft law No. 144/2017, which was approved by the Parliament in November 2017 and is being examined by the Senate, includes the creation of a national registry of missing persons. In Guatemala, bill No. 3590, which would create a national commission on the search for victims of enforced disappearance and other forms of disappearance, is pending approval by the Congress. ICRC reported that, in Lebanon, a draft law on missing and forcibly disappeared persons was being reviewed by the Administration and Justice Parliamentary Committee.

17. During the reporting period, States enacted legislation on issues pertaining to missing persons. In Colombia, decree No. 589 establishing the Search Unit for

[11] Minsk Declaration and resolutions adopted by the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE) at its twenty-sixth annual session. Available at https://www.oscepa.org/documents/all-documents/annual-sessions/2017-minsk/declaration-25/3555-declaration-minsk-eng/file.

[12] OSCE Parliamentary Assembly, *Ensuring a Coherent, Shared and Responsible Governance of Migration and Refugee Flows: Report and Recommendations of the OSCE PA Ad Hoc Committee on Migration* (Copenhagen, 2017). Available at https://www.oscepa.org/documents/all-documents/autumn-meetings/2017-andorra/reports-and-speeches-2/3604-report-and-recommendations-of-the-osce-pa-ad-hoc-committee-on-migration-4-oct-2017/file.

[13] ICRC, *Guiding Principles/Model Law on the Missing: Principles for Legislating the Situation of Persons Missing as a Result of Armed Conflict or Internal Violence — Measures to Prevent Persons from Going Missing and to Protect the Rights and Interests of the Missing and Their Families* (Geneva, 2009). Available at https://www.icrc.org/en/document/guiding-principles-model-law-missing-model-law.

Missing Persons was promulgated by the President on 5 April 2017 and confirmed by the Constitutional Court on 20 June 2018. In Mexico, a general law on disappearances entered into force in January 2018, establishing a National Search System for Missing Persons, a National Registry of Missing Persons and a National Registry of Unidentified Deceased Persons. In Kyrgyzstan, a new Criminal Code was adopted in January 2018, containing provisions regarding missing persons. In Sri Lanka, the Office on Missing Persons Act, No. 14 of 2016, was enacted on 23 August 2016. In Peru, law No. 30470 on the search for persons who disappeared during the period of violence of 1980–2000 was approved through a ministerial resolution on 23 December 2016. On 22 June 2017, supreme decree No. 013-2017-JUS was promulgated, creating the General Directorate for the Search of Missing Persons. In Ukraine, on 12 July 2018, the Parliament adopted a law on the legal status of missing persons.

B. Other preventive measures

18. During armed conflict, the production and proper use of means of identification by armed and security forces helps document the whereabouts and fate of members of those forces. States have the primary responsibility for the production and use by their armed forces of such means of identification. International humanitarian law also requires the establishment of national information bureaux and grave registration services. In its contribution to the present report, the National Human Rights Institute of Chile reported that in case of an armed conflict, a national information office would be established in the Department of Defence. Switzerland reported that it has established a network between the Confederation and the cantons to quickly locate persons deprived of their liberty so that a person who suspects a relative has been the victim of enforced disappearance can receive prompt and reliable information.

19. The training and subsequent oversight of security and law enforcement officials is a preventive measure and can ensure adequate responses from the relevant authorities when a person goes missing. The National Human Rights Institute of Chile reported that, on 24 May 2017, a seminar, organized by the National Humanitarian Law Commission and the National Academy of Political and Strategic Studies, was held to review the teaching of international humanitarian law in the armed forces.

IV. Measures to clarify the fate and whereabouts of missing persons

20. In resolution 71/201, the General Assembly reaffirmed the right of families to know the fate of their relatives reported missing in connection with armed conflict, and called upon States that are parties to an armed conflict to take all necessary measures, in a timely manner, to determine the identity and fate of persons reported missing in connection with armed conflict and, to the greatest extent possible, to provide their family members, through appropriate channels, with all relevant information that they have on their fate, including their whereabouts or, if they are dead, the circumstances and cause of their death.

A. Tracing and restoration of family links

21. ICRC continued its tracing activities, including collecting information about persons unaccounted for and the circumstances in which they disappeared; searching in places of detention, camps for internally displaced persons and refugees, hospitals, morgues, cemeteries, burial grounds and remote areas; and sharing or publicizing

updated lists of missing persons. It also maintained dialogue with relevant authorities and armed groups on the whereabouts of missing persons, the location of gravesites and requests for the recovery and identification of human remains.

22. ICRC and national Red Cross and Red Crescent societies, together with the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the United Nations Children's Fund (UNICEF), assist with maintaining and restoring links between family members during conflict and other emergencies and migration.[14] This involves tracing relatives, exchanging messages, reuniting separated families and seeking to clarify the fate of the missing. For example, in January 2017, ICRC signed an agreement with Italy and the Italian Red Cross to support the authorities in reaching out to families of casualties of the shipwreck of 18 April 2015, in which around 900 migrants died. ICRC is facilitating the collection of information from relatives of missing migrants in Mali, Mauritania and Senegal to be used in identification processes.

B. Coordination mechanisms

23. Parties formerly engaged in a conflict may agree to take measures under the auspices of a neutral intermediary, such as setting up coordination mechanisms to: exchange information; provide mutual assistance in locating and identifying missing persons, and in recovering, identifying and returning human remains; and enable family members to be informed about progress in determining the fate or whereabouts of missing persons.

24. In Cyprus, the Committee on Missing Persons continued its forensic recovery and identification activities. As at 15 December 2017, the Committee had exhumed the remains of 1,212 persons. By January 2018, the remains of 855 out of 2,002 missing persons had been identified and returned to their families. In 2017, the Committee conducted 11 excavations in military areas in the north, leading to the recovery of remains of 23 individuals (S/2018/25, para. 33). In paragraph 8 of resolution 2398 (2018), the Security Council welcomed all efforts to accommodate the Committee on Missing Persons' exhumation requirements as well as the joint appeal for information issued by the Greek Cypriot and Turkish Cypriot leaders on 28 May 2015. It called upon all parties to provide more expeditious, full access to all areas, given the need to accelerate the Committee's work.

25. Efforts to locate and identify missing persons in Kosovo[15] have been carried out by the United Nations Interim Administration Mission in Kosovo (UNMIK) and the European Union Rule of Law Mission in Kosovo, in cooperation with ICRC and the International Commission on Missing Persons. According to ICRC, as at March 2018, 1,652 people who had gone missing in connection with the armed conflict in Kosovo in 1998–1999 were still unaccounted for. Out of the 4,405 cases that were closed as at March 2018, 1,374 persons had been located alive. The total number of persons reported missing in relation to the events of 1998–1999 is 6,057.[16] On 29 and 30 June 2017, members of the Working Group on Persons Unaccounted for in Relation to the Events in Kosovo, relatives of missing persons, UNMIK, ICRC and the Working Group on Enforced or Involuntary Disappearances met in Geneva to identify

[14] See https://www.icrc.org/en/what-we-do/restoring-family-links.

[15] Reference to Kosovo should be understood in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

[16] ICRC, "Kosovo: 19 years after conflict, over 1,600 people still missing", 27 April 2018. Available at https://www.icrc.org/en/document/kosovo-19-years-after-conflict-over-1600-people-still-missing.

challenges and means to discover the whereabouts of missing persons.[17] The meeting also marked the opening of the Multi-Ethnic Resource Centre on Missing Persons in Kosovo,[18] which aims to enable family associations from across all ethnic lines to communicate, cooperate and jointly face the past and has organized a number of conferences and round tables to further the issue of missing persons in Kosovo. To commemorate the International Day of the Victims of Enforced Disappearances in 2017, UNMIK produced the documentary "Something still missing", which was broadcast on Kosovo television channels, highlighting the efforts of local family associations to determine the fate of their missing relatives while building trust across communities (S/2017/911, para. 35, and S/2018/76, para. 43).

26. According to ICRC, the working group process through which exchanges of information on missing persons take place between Serbia and Croatia was revived through meetings held in Belgrade (October 2017) and Zagreb (February 2018). In its contribution to the present report, Serbia reported that on 23 February 2018 the Commission on Missing Persons of the Government of Serbia and the Commission on Detained and Missing Persons of the Government of Croatia met and agreed to intensify efforts. Serbia also reported that the need to harmonize procedures regarding exhumation, identification and repatriation of remains was discussed in regional consultations held in 2017 and 2018 between representatives of the missing persons offices of Serbia, Croatia, Bosnia and Herzegovina and Montenegro. In Serbia, in December 2017, the International Commission on Missing Persons, in cooperation with the Commission on Missing Persons, launched the Site Locator online application to assist in locating clandestine gravesites.[19]

27. ICRC reported that, following a two-year interlude, the tripartite coordination mechanism, set up by Georgia, the Russian Federation and the de facto "authorities" in South Ossetia, Georgia, held four meetings. The meetings revived discussions on the clarification of the fate and whereabouts of 169 persons still missing as a result of the hostilities in August 2008.

28. A similar mechanism in relation to the conflict in Abkhazia in 1992–1993 was established in December 2010. It met for the eleventh time in December 2017. By the end of 2017, 325 sets of human remains had been exhumed.[20] As at 1 March 2018, 126 bodies had been identified and returned to their families. In 2017, ICRC facilitated a visit for the Georgian and Abkhaz participants in the mechanism to Cyprus to meet with the Committee on Missing Persons in Cyprus, which offered a platform to share experiences and lessons learned.[21]

29. In its contribution to the present report, Ireland noted that, through the work of the Independent Commission for the Location of Victims' Remains, established in 1999 by an intergovernmental agreement between Ireland and the United Kingdom of

[17] United Nations Interim Administration Mission in Kosovo (UNMIK), "Geneva roundtable on missing persons as a result of the conflict in Kosovo", 30 June 2017. Available at https://unmik.unmissions.org/geneva-roundtable-missing-persons-result-conflict-kosovo.

[18] OHCHR, "Missing persons receive renewed attention in Kosovo", 14 August 2017. Available at http://www.ohchr.org/EN/NewsEvents/Pages/MissingPersonsInKosovo.aspx.

[19] International Commission on Missing Persons, "Serbia: new ICMP initiative to locate clandestine graves launched", 6 December 2017. Available at https://www.icmp.int/press-releases/serbia-new-icmp-initiative-to-locate-clandestine-graves-launched.

[20] ICRC, "Remains of victims of 1992–93 armed conflict in Abkhazia handed over to families", 16 October 2017. Available at https://www.icrc.org/en/document/remains-victims-1992-93-armed-conflict-abkhazia-handed-over-families-0.

[21] ICRC, "Missing persons: ICRC organizes two-day study tour to Cyprus", 4 January 2018. Available at https://www.icrc.org/en/document/missing-persons-icrc-organizes-two-day-study-tour-cyprus.

Great Britain and Northern Ireland, as at February 2018, the remains had been recovered of 13 of the 16 persons who had disappeared.

30. The Secretary-General has continued to report to the Security Council on efforts regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains, in accordance with Security Council resolution 2107 (2013) (S/2018/40 and S/2018/353). The Tripartite Commission chaired by ICRC (comprising France, Iraq, Kuwait, Saudi Arabia, the United Kingdom and the United States of America) regularly meets and works on the identification of human remains in connection with the Gulf War of 1990–1991. An independent review, commissioned and funded by ICRC in 2016, of the work done by the Tripartite Commission was completed during 2017. ICRC urged the Commission to implement the recommendations resulting from the review, for example, on adopting new working methods. In 2017, several exhumation missions took place in Kuwait, but no human remains were recovered.[22]

31. The Tripartite Committee chaired by ICRC on missing persons was created in 2013 with the authorities of the Islamic Republic of Iran and Iraq to determine the fate of persons unaccounted for following the war between the two countries from 1980 to 1988. In 2017, the Committee's joint working group facilitated excavations in southern Iraq and the Kurdistan region of Iraq, resulting in the recovery of the remains of 678 people. The remains of 620 people were handed over to the Iranian authorities and the remains of 58 people were transferred to the Iraqi authorities.[23] ICRC reported that from August 2016 to March 2018, the remains of 648 Iranian and 498 Iraqi soldiers who went missing during the war were recovered in the Faw Peninsula. The remains of 275 persons have been repatriated from the Islamic Republic of Iran to Iraq and those of 641 persons from Iraq to the Islamic Republic of Iran.

C. National institutions

32. National institutions, such as national commissions on missing persons, can play a crucial role in clarifying the fate of missing persons and providing support to families of the missing. National information bureaux and grave registration services, as provided for in international humanitarian law, also fulfil this role.

33. ICRC has continued to work with the Azerbaijani State Commission on Prisoners of War, Hostages and Missing Persons[24] and the Armenian State Commission on Prisoners of War, Hostages and Missing Persons,[25] and with the families of missing persons, to facilitate the exchange of information and transfer of human remains and to clarify the fate of those unaccounted for since the Nagorno-Karabakh conflict. In its contribution to the present report, Azerbaijan stated that, as at 30 January 2018, its State Commission on Prisoners of War, Hostages and Missing Persons had registered 3,875 persons as missing from Azerbaijan, and 779 persons missing from Armenia. It also reported that, following a pilot project implemented by ICRC in 2014 to collect biological samples from relatives of missing persons, by the end of 2017, samples had been taken from 4,234 relatives of 1,458 missing persons.

[22] ICRC, *Annual Report 2017*, vol. I (Geneva, 2017), p. 501.

[23] Ibid., p. 458.

[24] State Commission of the Republic of Azerbaijan on Prisoners of War, Hostages and Missing Persons, "Information of the State Commission of the Republic of Azerbaijan on Prisoners of War, Hostages and Missing Persons", 26 January 2017. Available at http://www.human.gov.az/en/news/view/253/Information_of_The_State_Commission_of_the_Republic_of_Azerbaijan_on_Prisoners_of_War,_Hostages_and_Missing_Persons.s~Ws4181/0/0/nct.

[25] ICRC, "Our work in Armenia in 2017", 12 February 2018. Available at https://www.icrc.org/en/document/our-work-armenia-2017.

34. In its contribution to the present report, Bosnia and Herzegovina reported that, by April 2018, the remains of 23,776 missing persons recorded in the Central Register of Missing Persons had been verified, while 7,075 persons were still unaccounted for. In 2017, the mortal remains of 317 persons were exhumed, compared with those of 144 individuals in 2016. In 2017, the bodies of 165 victims that had been exhumed in previous years were identified. Following an inventory of sites holding unidentified remains, 115 bodies were identified and 948 bodies were completed from previously identified incomplete mortal remains. Some 2,000 bodies remain to be identified in 12 mortuaries. Concerns have been expressed regarding a lack of accurate and reliable information about potential individual and mass gravesites, making it difficult to exhume and identify remains. ICRC reported that, as at March 2018, 15,000 missing persons had been identified, while 6,630 were still unaccounted for.

35. In Kosovo, on 15 November 2017, the Prime Minister appointed a member of a non-majority community as Deputy Chair of the Commission on Missing Persons of the government of Kosovo (S/2018/76, para. 33).

36. In October 2016, the Congress of Guatemala adopted the Migration Code, establishing that relatives of persons whose whereabouts and fate remain unknown and who have entered another State, with or without migratory documents, have the right to report them as missing. It provides for the National Council for Migrants of Guatemala to put in place a system to search for missing migrants, which is intended to facilitate the exchange of information with the authorities of transit and destination States, whether the missing persons concerned are deceased (whether they are identified or not), deprived of liberty or being held in health-care facilities, forensic facilities or places established to shelter migrants.

37. In its contribution to the present report, El Salvador reported that the National Commission on the Search for Persons Who Disappeared in the Context of the Armed Conflict was created on 21 August 2017 by executive decree to investigate and determine the fate and whereabouts of the adult victims of enforced disappearance during the internal armed conflict and facilitate family reunions or the return of remains. In February 2018, the President swore in the Commission's three commissioners.

38. The Perus working group, responsible for the identification of human remains found in the common grave known as "Vala de Perus" in Dom Bosco Cemetery, São Paulo, Brazil, began its forensic work following the publication of the final report of the National Truth Commission. ICRC reported that in March 2018, an inter-institutional working group on missing persons in the State of São Paulo was created to coordinate efforts on the identification of missing persons and human remains.

D. Accountability

39. Accountability, including the rights to justice, the truth and effective remedy, is a key component of any attempt to address the issue of missing persons. International accountability mechanisms, including international commissions of inquiry and fact-finding missions, have addressed the issue, which has also been a focus of United Nations human rights mechanisms such as the Working Group on Enforced or Involuntary Disappearances.

40. International commissions of inquiry and other investigations have documented and made findings and recommendations regarding missing persons and victims of enforced disappearance. The Independent International Commission of Inquiry on the Syrian Arab Republic has drawn attention to the issue of missing persons, observing that enforced disappearance may be a gateway to other violations, such as torture, murder or extrajudicial executions (A/HRC/34/64, para. 30). The Commission

proposed that lists of all those held in detention should be provided to allow the authorities to start compiling the names of the missing or disappeared (A/HRC/37/72, para. 17 (b)). It highlighted that thousands of families have no knowledge of whether their relatives are missing owing to conflict, displacement, detention, death or execution (ibid., para. 18). It called for the creation of an independent and impartial mechanism that could define the elements required to efficiently and effectively track and identify missing persons, help consolidate claims filed with a wide variety of non-governmental and humanitarian organizations and coordinate overtures to the parties to the conflict to locate the missing or their remains. It highlighted the importance of involving families of missing persons in such efforts (ibid., para. 22). In March 2018, the Commission reiterated the importance of tackling the issue of missing or disappeared persons. It highlighted the right to the truth of families of the missing, saying that medical reports, post mortems, death certificates, detention records and the location of gravesites should be safeguarded and made available to any peace process and to any legitimate mechanism that may be established to look into these issues. It reiterated that each party to the conflict is obligated to take all feasible measures to account for persons reported missing as a result of hostilities and provide their family members with any information that it has on their fate.[26]

41. Since its inception in 1980, the Working Group on Enforced or Involuntary Disappearances has transmitted 57,147 cases of enforced disappearance to 113 States. Cases remain open in the Working Group's database until the fate or whereabouts of the person is determined. There are 45,499 cases in 92 States under active consideration by the Working Group (A/HRC/39/46). From March 2012 to 13 June 2018, the Committee on Enforced Disappearances registered 500 urgent actions, with 56 registered from 1 January to 13 June 2018. This reflects the scale of the number of cases of enforced disappearance and the pressing need of victims and their families for accountability.

42. The issue of missing persons should also form part of the design and implementation of a comprehensive approach to any transitional justice process that includes criminal justice, truth-seeking, reparation and institutional reform. Following its visit to the Gambia in June 2017, the Working Group stressed that all measures to address past human rights violations, such as enforced disappearances, including through the establishment of a Truth and Reconciliation Commission, should be designed and implemented simultaneously, and should be inclusive, consultative, gender-sensitive and participatory. It also emphasized that it is of the utmost importance to genuinely include from the outset the families of people who disappeared and the organizations representing them in the consultation process, and to manage the legitimate expectations of victims, including through clear and regular communication.[27] In El Salvador, on 14 July 2016, the Supreme Court declared the Amnesty Law of 1993 unconstitutional, paving the way for the victims of enforced disappearance during the internal armed conflict to seek justice.

43. Offices of missing persons that are empowered to receive complaints of cases of missing persons, investigate those cases and make recommendations for accountability have been established in the context of various transitional justice processes. In order to adequately discharge their mandate, they should be independent and well-resourced, with capable, trustworthy and impartial commissioners, and have

[26] Independent International Commission of Inquiry on the Syrian Arab Republic, "Detention in the Syrian Arab Republic: a way forward", March 2018, paras. 7, 20, 24 and 25. Available at https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/AWayForward_DetentionInSyria.pdf.

[27] OHCHR, "UN experts urge the Gambia to address past rights violations to avoid recurrence", 19 June 2017. Available at https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21773&LangID=E.

appropriate protection mechanisms for victims and witnesses, a clear policy on gender sensitivity and clear timelines for implementation. The resulting enabling environment is essential for commissioners and staff, families, witnesses and civil society, and, as a result, these offices can contribute both to resolving individual cases of missing persons and to achieving the aims of the broader transitional justice process, including justice, truth and reconciliation (A/HRC/37/23, paras. 12–22).

44. In Colombia, the Government and the Revolutionary Armed Forces of Colombia – People's Army (FARC-EP) agreed to the creation of an independent search unit for persons missing in connection with the armed conflict. The unit was established through a constitutional amendment adopted by Congress on 13 March 2017. OHCHR called on the Office of the Attorney General, the National Institute of Forensic Medicine and Sciences and other stakeholders to collaborate with the Unit in the search for, localization, exhumation, identification and dignified delivery of remains (A/HRC/37/3/Add.3, para. 95). The Unit is one of the three elements of the Comprehensive System for Truth, Justice, Reparation and Non-Repetition established in the peace agreement, which also includes the Commission on Truth, Coexistence and Non-Repetition and the Special Jurisdiction for Peace.

45. In Sri Lanka, the Office of Missing Persons became operational in September 2017, and the Chair and the members of the Office were appointed on 28 February 2018. The Office is one aspect of a broader transitional justice process, initially set out in Human Rights Council resolution 30/1. Long delays have been faced in the establishment of the Office, and it is now crucial that it work expeditiously with a victims-centred, consultative approach (A/HRC/37/23, paras. 13–14).[28] The urgent need to clarify the fate of the missing persons in Sri Lanka requires the Office to take immediate action to address cases.

46. In Ukraine, the newly adopted law on the legal status of missing persons provides for the establishment of a Commission on Missing Persons. As part of the support that it has provided in connection with the law, OHCHR stressed that the Commission should have sufficient capacity to deliver its mandate effectively, involve families of missing persons and guarantee support, rehabilitation and reintegration of missing persons returning after a prolonged period of absence. The Commission should be established and operationalized expeditiously after the law enters into force, which should occur in August 2018.

47. In Nepal, the mandate of the Commission of Investigation on Enforced Disappeared Persons was extended for one year in February 2017, and then again in February 2018 until 9 February 2019. The Working Group on Enforced or Involuntary Disappearances called upon the Government to extend the mandates of the Commission and the Truth and Reconciliation Commission to guarantee effective planning and functioning and ensure significant progress on crucial aspects of their mandates, including the study of the nature and patterns of serious human rights violations, including enforced disappearances (A/HRC/36/39, para. 94). The Government is reviewing the Commission's normative framework to strengthen its capacity to address victims' rights to the truth, justice, reparation and non-repetition.

[28] See also Pablo de Greiff, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, "Sri Lanka continues to deprive itself of the benefits of Transitional Justice", statement and observations on the conclusion of his recent visit to Sri Lanka. Available at https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22274&LangID=E.

E. Archives

48. The collection, protection and management of information is essential for addressing the issue of missing persons. Archives remain critical to exercising the right to the truth. In resolution 71/201, the General Assembly invited States, national institutions and, as appropriate, intergovernmental, international and non-governmental organizations to ensure the development and proper management of archives pertaining to missing persons and unidentified remains in connection with armed conflict, as well as access to those archives in accordance with applicable laws and regulations.

49. In his report to the General Assembly at its seventy-second session, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted that the way that countries archive documents and ensure access to their archives says a lot about their attitudes towards inclusion, transparency and even due process (A/72/523, para. 80).

50. Information collected by international criminal tribunals is valuable for discovering what happened to missing persons. Access to the archives of the International Tribunal for the Former Yugoslavia, now housed in the International Residual Mechanism for Criminal Tribunals, enabled documentation to be transferred to the Missing Persons Institute of Bosnia and Herzegovina and assisted the Institute's investigative work, leading to the exhumation of 137 bodies in 2017. ICRC also reported that, as part of its road map for missing persons and their families in Western Balkans for 2018–2022, closer cooperation has been agreed between ICRC and the International Residual Mechanism for Criminal Tribunals. Efforts are under way to request access from participants in peacekeeping operations in the Balkans during the 1990s to their archives in relation to cases of missing persons.

51. In its contribution to the present report, El Salvador noted that in 2017 the Forensic Documentation Centre of the Institute of Legal Medicine digitized more than 330,000 records, including dental records and records concerning corpse recognition, autopsy results, exhumations, forensic-psychiatric reports, forensic social work and forensic chemistry.

52. In its contribution to the present report, ICRC highlighted its standard software application that can be widely used, enabling the storage, processing and consultation of information about missing persons, while ensuring data security and confidentiality. In 2017, ICRC concluded an agreement with the Swiss Federal Archives, under which copies of all future biological reference samples collected or received by ICRC will be stored in the Swiss Federal Archives. ICRC reported that in 2017 and 2018 the Committee on Missing Persons in Cyprus used its archives to clarify the fate of missing persons. The ICRC general archives concerning Cyprus were opened to the public in 2017.

V. Missing children

53. In resolution 71/201, the General Assembly requested States to pay the utmost attention to cases of children reported missing in connection with armed conflict and to take appropriate measures to search for and identify those children and to reunite them with their families.

54. In its contribution to the present report, the National Human Rights Commission of India reported that police departments in many states in India now have a missing persons desk with an officer responsible for registering complaints concerning

missing children and maintaining records of efforts to trace them, as recommended in its report on missing children of 2007.

55. In its contribution to the present report, El Salvador reported that at the end of 2017, the National Commission on the Search for Children Who Disappeared during the Internal Armed Conflict had registered a total of 307 cases of children who had disappeared during the armed conflict. It had investigated 236 cases, resulting in the reunion of 33 children with their relatives and a further 12 children being processed for reunion. In 30 cases, the investigation confirmed the death of the child. Seventy-three per cent of the cases related to children aged up to 8 years of age.

56. In its contribution to the present report, the Colombian Commission on the Search for Disappeared Persons reported that, as at 31 December 2017, according to the records held by the National Registry of Disappeared Persons, 132,241 persons or 26 per cent of those reported as missing in Colombia are minors.

VI. Criminal investigation and prosecution

57. The commission of enforced disappearance is a crime. International law establishes a clear obligation on States to investigate and prosecute such conduct. Criminal investigations and prosecutions can assist victims in realizing their right to the truth if the findings of such investigations and prosecutions are transparent and available to interested parties. Accountability is fundamental to ensure the realization of victims' right to an effective remedy, and as a prevention tool.

58. For effective investigations and prosecutions, crimes under international law should be incorporated into national criminal law and relevant investigative and judicial mechanisms should be established. Several States have criminalized enforced disappearance in their domestic laws or are in the process of doing so. The Plurinational State of Bolivia and Serbia highlighted this in their contributions.

59. The capacity of investigators and prosecutors handling files pertaining to missing persons should be maintained or strengthened as necessary. El Salvador reported that the Office of the Attorney General had created a special team to investigate crimes, including enforced disappearance in the context of the armed conflict. In El Salvador, OHCHR facilitated training to strengthen the capacity for investigating and prosecuting crimes against humanity and war crimes, including enforced disappearance.

60. In its contribution to the present report, Mauritius noted that a missing persons register is kept at every police station and, on receiving a missing person report, a police officer should immediately inform a senior officer.

VII. Forensic recovery and identification of remains of missing persons

61. The recovery, identification and management of bodies or human remains in a way that respects human dignity are essential. Making use of forensic scientific and methodological advances is a central component in achieving that. In resolution 71/201, the General Assembly invited States, national institutions and, as appropriate, intergovernmental, international and non-governmental organizations to further their engagement in order to follow forensic best practices as they apply to preventing and resolving cases of missing persons in connection with armed conflict.

62. In 2017, OHCHR launched the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), which is the revised version of the United Nations

Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. The Minnesota Protocol provides a comprehensive and shared platform for forensic investigators, pathologists, law enforcement officials, lawyers, prosecutors, presiding officers and NGOs to pursue accountability.

63. A growing number of forensic institutions and practitioners follow the standards and recommendations on forensic best practices as they apply to preventing and resolving cases of missing persons. Several countries, including Ukraine and the countries listed in previous reports (A/71/299, para. 56, and A/69/293, para. 52), have acquired the highly specialized forensic services required for such investigations, including forensic anthropology and forensic DNA analysis. ICRC has also been helping to build local forensic capacity in Egypt, in addition to the countries listed in the previous reports. Such assistance includes technical support, advice and tailored training; the provision of equipment and tools; and the promotion of communication, coordination and cooperation among forensic services for improved prevention and investigation of the missing, as well as the standardization of forensic procedures applicable to the search, recovery, identification and management of human remains.

64. There are a number of examples of sharing best practices between professionals, including the annual conference of the African Society of Forensic Medicine, held in March 2017, during which 146 African forensics professionals explored the latest techniques for ensuring the dignified identification and management of the dead,[29] and the meeting of the Latin American Association of Forensic Anthropology, held in Brazil in 2017.[30] In May 2017, ICRC held a five-day course in Pakistan titled "Management of the dead in emergencies" for emergency responders from disaster management, the military, law enforcement agencies, hospitals, forensic institutes and NGOs from countries including Burundi, China, Indonesia, Lebanon, Morocco, Nepal, Pakistan, the Philippines, Sri Lanka, the Syrian Arab Republic, Thailand, Tunisia, Ukraine and Viet Nam.[31] In October 2017, the International Commission on Missing Persons launched a new sequencing workflow created for the Commission's missing persons DNA identification laboratory in The Hague. The workflow includes the use of automated QIAGEN instruments and consumables for DNA extraction, liquid handling, quantification, sample preparation and massively parallel sequencing.[32] On 22 November 2017,[33] the Law Enforcement Working Party of the Council of the European Union reported that good progress had been made in implementing the Action Plan for the way forward for the creation of a European Forensic Science Area.[34]

65. In Lebanon, ICRC reported that it has registered information on approximately 2,900 missing persons and has been collecting biological reference samples from

[29] ICRC, "South Africa: taking forensics beyond the lab and the crime scene", 21 June 2017. Available at https://www.icrc.org/en/document/south-africa-taking-forensics-beyond-lab-and-crime-scene.

[30] See http://en.alafforense.org/proximo.html.

[31] ICRC, "Pakistan: first responders from 17 countries learn about the proper management of dead bodies", 16 May 2017. Available at https://www.icrc.org/en/document/pakistan-first-responders-17-countries-learn-about-proper-management-dead-bodies.

[32] International Commission on Missing Persons, "QIAGEN and ICMP launch next-generation DNA testing solutions for identifying missing persons", 23 October 2017. Available at https://www.icmp.int/press-releases/qiagen-and-icmp-launch-next-generation-dna-testing-solutions-for-identifying-missing-persons/.

[33] Council of the European Union, document No. 14606/17. Available at http://data.consilium.europa.eu/doc/document/ST-14606-2017-INIT/en/pdf.

[34] Council of the European Union, document No. 10128/16. Available at http://data.consilium.europa.eu/doc/document/ST-10128-2016-INIT/en/pdf.

relatives of missing persons for future DNA analysis and identification efforts.[35] It urged the authorities to approve a project to collect biological reference samples from the families of missing persons.[36] In its contribution to the present report, Lebanon reported that it has been gathering and studying biological samples and has conducted DNA testing on corpses.

66. In Argentina, ICRC reported that the forensic work to identify the remains of Argentine soldiers buried in the Darwin Cemetery on the Falkland Islands (Malvinas) had been carried out according to the Humanitarian Project Plan agreed by Argentina, the United Kingdom and ICRC in December 2016.[37] In December 2017, the results were handed to representatives of Argentina and the United Kingdom. Out of the 122 remains exhumed, 90 were identified and the remaining cases are awaiting identification, depending on the availability of samples from family members. By 1 December 2017, 107 families had been involved in the process. By March 2018, the Argentine authorities had delivered identification reports to all families involved in the Plan.

VIII. Legal status of missing persons and support for families

67. The many and interrelated challenges that families of missing persons face compound their suffering. In addition to socioeconomic and legal challenges, family members can experience a multitude of physical and emotional responses, as noted by the World Society of Victimology in its contribution to the present report. Adequately and effectively addressing the issue of the missing requires a holistic response, in which the victims and their families should play an integral part. Family members should be enabled to participate in the design and implementation of policies and programmes. In this regard, in resolution 71/201, the General Assembly called upon States to take appropriate steps with regard to the legal situation of missing persons and the needs and accompaniment of their family members, with particular attention to the needs of women and children in such fields as social welfare, psychological and psychosocial support, financial matters, family law and property rights. Ensuring the rights of the victims and their families to the truth, justice and an effective remedy is also an essential aspect of any response.

A. Understanding the needs of families

68. In cooperation with family associations, national societies of the International Red Cross and Red Crescent Movement, NGOs and academic and research institutions, ICRC continued to assess the needs of the families of missing persons based on the ICRC guidelines for multidisciplinary family needs assessments. Since 2016, assessments have been concluded in Brazil, Iraq, Kyrgyzstan, Mexico, Peru, Senegal, Sri Lanka, Tajikistan and Ukraine. In most of those countries, the assessments also related to the needs of the families of missing migrants. Needs assessments are planned for Syrians living in Jordan and Lebanon during 2018. The

[35] ICRC, "Lebanon: authorities must act now to give answers to families of missing persons", 31 August 2017. Available at https://www.icrc.org/en/document/lebanon-authorities-must-act-now-give-answers-families-missing-persons.

[36] ICRC, "Lebanese authorities must pass a law on missing persons", 13 April 2017. Available at https://www.icrc.org/en/document/icrc-lebanese-authorities-must-pass-law-missing-persons-and-provide-answers-their-families.

[37] ICRC, "Falkland/Malvinas Islands: ICRC presents Argentina and the United Kingdom with results of humanitarian forensic identification project", 1 December 2017. Available at https://www.icrc.org/en/document/falklandmalvinas-islands-icrc-presents-argentina-and-united-kingdom-results-humanitarian.

aim of the assessments is to ensure a contextualized and comprehensive understanding of the multifaceted needs of the families of missing persons and to determine the existing capacity to respond and the level of additional assistance needed. ICRC engages in confidential dialogue with the authorities concerned regarding the needs identified and makes recommendations to address those needs.

B. Addressing the needs of families

69. The needs of the families of missing persons are varied, from psychological to practical, and include knowing what happened to their loved one; recognition and appropriate marking of the loss; economic, financial, psychological and psychosocial support; protection against security threats; receipt of the remains of their loved one to enable a culturally and religiously appropriate burial, as the case may be; and access to justice and an effective remedy. Gaps in legislation and administrative obstacles mean that families of missing persons often lack access to social welfare benefits and pensions and are prevented from exercising their rights under inheritance, property and family law, from entering into a new union, or from administering the assets of a person missing but not declared deceased. Families often find that, without formal confirmation that a relative is dead, they cannot access social safety nets such as school-fee reductions and tax benefits and allowances.

70. *Accompanying the families of missing persons: a practical handbook*, published by ICRC in 2013, remains an important resource. It sets out the ICRC "accompaniment" approach to addressing the needs of the families of missing persons. The approach is needs-based and participatory and aims to strengthen the abilities of family members to deal with difficulties related to the disappearance of their relatives. In 2017, ICRC reported that over 5,500 families benefited from an accompaniment programme. ICRC is currently working with this approach in the following States: Armenia, Azerbaijan, Brazil, Colombia, Guatemala, Honduras, Mexico, Peru, Senegal, Sri Lanka, Tajikistan, Uganda, Ukraine and the United States of America. According to ICRC, during 2017, the Deputy Prime Minister of Ukraine instructed relevant ministries to establish a social assistance system, psychosocial support and legal accompaniment for families of missing persons and a centre to identify the deceased.

71. In its contribution to the present report, El Salvador noted that the National Commission on the Search for Children Who Disappeared during the Internal Armed Conflict offers psychosocial support to the families of disappeared children, especially in cases where the place of burial is known and the remains have been exhumed. It undertakes family visits and conducts workshops in order to promote the recognition of the psychosocial trauma associated with enforced disappearances.

72. In Peru, following the adoption of law No. 30470 on the search for persons who disappeared during the period of violence of 1980–2000,[38] mental health services for families have been extended to cover the search, recuperation, analysis, identification and return of the human remains of missing persons.

C. Legal situation of missing persons

73. Domestic law should clarify the legal situation of missing persons, including through provisions for the person to be declared absent or missing, so that the families

[38] Inter-American Commission on Human Rights, "IACHR welcomes enactment of law on search for missing persons from period of violence in Peru", 25 July 2016. Available at http://www.oas.org/en/iachr/media_center/PReleases/2016/099.asp.

of missing persons are able to receive social and financial benefits and can handle the affairs of the missing person, without requiring the missing person to be declared dead. ICRC highlighted that one way of handling the legal and administrative aspects of a person going missing is to recognize a legal status of "missing person" in national legislation, which would enable families to acquire a certificate or declaration of absence that allows them to exercise their rights and access benefits while the fate of their missing relative is being clarified. Such a certificate would be annulled in the event that the person was found alive, and her or his rights would be reinstituted. [10]

74. Several States have, by either amending existing domestic legislation or adopting specific provisional decrees, granted victims, including the families of missing persons, specific social and financial benefits, such as pensions for families of missing soldiers, reduced health-care and tuition fees, child allowances, food assistance, loans and interim relief.

75. In its contribution to the present report, ICRC reported that in Sri Lanka, the Registration of Deaths (Amendment) Act, No. 16 of 2016, establishes the process to be followed for a relative of a missing person to obtain a certificate of absence through an application to the District Registrar or Registrar General. It also provides a list of rights and benefits to which relatives of missing persons are entitled, once they have obtained the certificate of absence. In addition, the Act provides for a procedure through which an existing death certificate, issued in the name of a person considered missing, can be converted into a certificate of absence.

IX. Conclusions and recommendations

76. **The issue of missing persons arises in connection with armed conflict, as well as in other contexts, including situations of violence, insecurity, organized crime and disaster, and as a result of enforced disappearance and migration. While some States are making progress in addressing the issue, further efforts are needed to implement the recommendations made in previous reports. The number of missing persons is distressingly high, with unimaginable suffering and uncertainty for the victims, their families and communities. The increasing number of missing migrants is a frequently overlooked human tragedy.**

77. **It remains critical for States — individually and collectively — to address the issue of missing persons holistically, from prevention to the tracing, location, identification and return of missing persons, and from providing the necessary needs-based responses to victims and their families to ensuring their rights to justice, the truth and an effective remedy.**

78. **Effective prevention requires sufficient investment in and development of legislative and policy initiatives focusing on the risk factors that cause people to go missing. All States are again encouraged to become parties to the International Convention for the Protection of All Persons from Enforced Disappearance, incorporate its provisions into domestic law and ensure the full implementation of those provisions. Furthermore, there should be clear political commitment by all parties to fully cooperate and prioritize solving cases of missing persons, appropriate legislative and institutional frameworks and mechanisms (including at the international and regional levels), *national forensic* capacity in line with forensic best practices and international standards, preservation and access to archives in accordance with the right to privacy and the protection of victims, and frameworks for addressing the multidimensional**

[10] ICRC, "Missing migrants and their families".

socioeconomic, legal, psychological and psychosocial needs of missing persons and their families.

79. **Ensuring accountability and the rights to justice, the truth and an effective remedy for the violations of the rights of missing persons and their families, including those amounting to serious violations of international human rights law and international humanitarian law, are essential as measures of both prevention and redress. Accountability for missing persons should also be a core component of the design and implementation of comprehensive transitional justice processes.**